IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Criminal Application No.92 of 2007

Bharat Gopichand Choudhari — Applicant
Vs.
State of Maharashtra — Respondent

Mr.N.R.Bubna for applicant.
Mr.Y.S.Shinde, APP for State.

CORAM: B.H.MARLAPALLE,J.

January 19, 2007.

P.C.

. Heard Mr.Bubna, the learned counsel for the applicant who was taken in custody in connection with C.R.No.49 of 2006 registered with City Police Station Malegaon for offences punishable under Sections 363, 366 read with Section 34 of IPC, on 17/12/2006. He was remanded to M.C.R. on 21/12/2006 and his application for regular bail came to be rejected by the learned Ad-hoc Addl. Sessions Judge at Malegaon on 2/1/2007. One Sadruddin Deshmukh filed a complaint with the Malegaon City Police Station on 26/7/2006 alleging that his daughter Anjum, aged about 17 years was kidnapped by a boy named Ravindra Pandurang Suryavanshi on or about 11/7/2006 and the girl was not traceable till 26/7/2006. The present applicant is accused no.2 and accused no.1 is

Ravindra Pandurang Suryawanshi. The report submitted by the City Police Station Malegaon on 21/12/2006 to the learned Judicial Magistrate First Class states that the present applicant is aware about the whereabouts of accused no.1 and, therefore, it was necessary to arrest the present applicant. The next report dated 30/12/2006 states that the relations of Ravindra Pandurang Suryawanshi are assisting in shifting the missing girl from place to place. The learned Ad-hoc Addl. Sessions Judge, Malegaon recorded that the kidnapped girl was less than 18 years of age and the applicant could not make out good ground for being released on bail.

. The reasoning set out by the Court below cannot be accepted. Prima facie, the applicant does not appear to have played any role in the kidnapping and subsequent movement of the missing girl Anjum. Even the FIR filed by Anjum's father does not implicate the present applicant though it is stated that one of the relations of the accused no.1 gave him financial assistance allegedly for obtaining an employment. There is no justification to continue the applicant in custody any further, in the facts of this case.

. Hence, the application is allowed and it is directed that the applicant be released on bail on furnishing PR bond in the sum of Rs.5000/- with one solvent surety in the like amount and on the further condition that he shall be available to the police as and when called for interrogation till the investigation is complete.

(B.H